

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

**STEVE TARVER and
JANNA TARVER,
*Plaintiffs,***

V.

**ALLSTATE TEXAS LLOYDS,
*Defendant.***

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CIVIL ACTION NO. _____

JURY DEMAND

**NOTICE OF REMOVAL OF
ACTION UNDER 28 U.S.C.
§1441(a)**

NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. § 1441

TO THE HONORABLE UNITED STATES DISTRICT COURT JUDGE:

Please take notice that, pursuant to 28 U.S.C. § 1441 and 1446, Allstate Texas Lloyds, Defendant herein, removes to this Court the state court action pending in the 260th Judicial District Court of Orange County, Texas invoking this Court's diversity jurisdiction, on the grounds explained below.

BASIS FOR REMOVAL

1. On October 22, 2019, Plaintiffs filed suit in Orange County against the Defendant. The suit was assigned to the 260th Judicial District Court of Orange County, Texas, styled Cause No. D190435-C; *Steve Tarver and Janna Tarver v. Allstate Texas Lloyds*. Defendant was served/received notice of this suit on October 25, 2019. As required by 28 U.S.C. § 1446(b), this notice of removal is timely filed by the Defendant within thirty (30) days following receipt by Defendant of the initial pleadings.

2. Removal of this action is proper, because this Court has original diversity jurisdiction under 28 U.S.C. § 1332 and the action is one that may be removed by Defendant pursuant to 28 U.S.C. § 1441(b)(3); specifically, this is a civil action wherein

the matter in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs, and the Defendant is diverse in citizenship from the Plaintiffs.

3. There is complete diversity among the parties as required by 28 U.S.C. § 1332(a). Plaintiffs are citizens of Texas. Allstate Texas Lloyds is a “Lloyds” insurer. A citizenship of an unincorporated association is determined by the citizenship of its members. 28 U.S.C. § 1332(a). For the purposes of determining citizenship of a Lloyds organization, the court looks to the citizenship of the Lloyds members. *See Massey v. State Farm Lloyds Ins. Co.*, 993 F. Supp. 568, 570 (S.D. Tex. 1998). Here, Allstate is an unincorporated association of individual underwriters who are all residents and citizens of the State of Illinois. Accordingly, Allstate is a citizen of the State of Illinois. *See Id.*

4. The amount in controversy exceeds \$75,000.00 as required by 28 U.S.C. § 1332 (a). Plaintiffs’ Original Petition recites that they are seeking actual damages, statutory damages, and attorney’s fees for breach of contract, breach of the duty of good faith and fair dealing, fraud, violations of the Deceptive Trade Practices Act, Chapter 541 and 542 of the Texas Insurance Code, negligence, and gross negligence relating to the Defendant’s alleged failure to properly adjust the claim for Plaintiff’s alleged property damage. Further, Plaintiffs’ Petition states Plaintiffs are seeking monetary relief over \$200,000.00, but not more than \$1,000,000.00. Thus, Plaintiffs’ Petition shows on its face, that Plaintiffs’ claims are in excess of \$75,000.00. *See* Plaintiffs’ Petition incorporated herein under Exhibit “A”.

5. The Clerk’s full record in this case is attached as Exhibit “A”. A list of all Counsel of Record is attached as Exhibit “B”. The Civil Cover Sheet is attached as Exhibit “C”.

6. Venue is proper in this district because the district and division embrace the place where the removal action has been pending.

7. Defendant will promptly provide written notice of the filing of this Notice of Removal to all parties and to the clerk of the 260th Judicial District Court of Orange County, Texas.

8. Defendant respectfully requests that the state court action be removed and placed on this Court's docket for further proceedings. Defendant further requests any additional relief to which it may be justly entitled.

DATE: November 19, 2019

Respectfully submitted,

/s/ John M. Causey

John M. Causey
State Bar No. 04019100
Southern District Bar No. 23926
HOPE & CAUSEY, P. C.
P. O. Box 3188
Conroe, Texas 77305-3188
(936) 441-4673 - Telephone
(936) 441-4674 - Facsimile
hcdocket@hope-causey.com
ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Civil Procedure, I hereby certify that a true and correct copy of the foregoing instrument has been delivered to all interested parties on November 19, 2019, via e-filing addressed to:

Danny Ray Scott
Scott Law Offices
P.O. Box 53358
Houston, Texas 77052
(713) 941-9309
ATTORNEY FOR PLAINTIFFS

/s/ John M. Causey

John M. Causey